

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

In the Matter of License 9703 Permit 15278 (Application 22419)

Washington County Water District

**ORDER AMENDING LICENSE BY CORRECTING THE POINT OF DIVERSION
AND ADDING REVISED LICENSE TERMS**

ORDER

SOURCE: Henderson Ravine

COUNTY: Nevada

WHEREAS:

1. License 9703 was issued to Washington County Water District on March 31, 1971 pursuant to Application 22419 and was recorded with the County Recorder of Nevada County, Volume 548, Page 340 on April 5, 1971.
2. The Division of Water Rights (Division) conducted an inspection on September 7, 2000, of the project covered by License 9703. This inspection found that the point of diversion on Washington Creek has been abandoned and the point of diversion on Henderson Ravine requires a correction in its described location.
3. The State Water Resources Control Board (SWRCB) has determined that in order to reflect the current operation under License 9703, a correction in the description of the Henderson Ravine point of diversion and the removal of the Washington Creek point of diversion are necessary.
4. The SWRCB will also add its standard continuing authority and water quality objective terms and a term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

License 9703 is amended to include the following changes, corrections and new or revised terms and conditions:

1. The former point of diversion authorized by this license on Washington Creek is deleted and the point of diversion on Henderson Creek is corrected to:

By California Coordinate System of 1927, Zone 2, North 612,431 feet and East 2,341,770 feet, being within NW¼ of NW¼ of Section 18, T17N, R11E, MDB&M.

2. The continuing authority condition, shall be updated to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

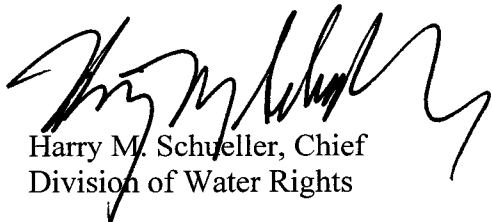
3. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water

quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the California Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

4. An endangered Species term shall be added to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (California Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.



Harry M. Schueller, Chief
Division of Water Rights

Dated: APR 16 2001

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22419

PERMIT 15278

LICENSE 9703

ORDER ALLOWING ADDITION OF POINT OF DIVERSION

WHEREAS License 9703 was issued to Washington County Water District and was recorded with the County Recorder of Nevada County on April 5, 1971 (at page 340, Volume 584, of the official records), and

WHEREAS the State Water Resources Control Board has found that the addition of point of diversion under said license for which petition was submitted on August 9, 1972 will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said additional point of diversion in accordance with said petition;

NOW, THEREFORE, IT IS ORDERED that permission be and the same is hereby granted to add a new point of diversion under said License 9703, points of diversion to be described as follows, to wit:

ON HENDERSON RAVINE
SOUTH 6° EAST 1,050 FEET FROM NW CORNER OF
SECTION 18, T17N, R11E, MDB&M, BEING WITHIN
NW¼ OF SW¼ OF SAID SECTION 18.

ON WASHINGTON CREEK
NORTH 14° WEST 1,400 FEET FROM SE CORNER OF
SECTION 13, T17N, R10E, MDB&M, BEING WITHIN
NE¼ OF SE¼ OF SAID SECTION 13.

Dated: AUG 29 1972

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 22419

PERMIT 15278

LICENSE 9703

THIS IS TO CERTIFY, That

WASHINGTON COUNTY WATER DISTRICT
WASHINGTON, CALIFORNIA 95986

HAS made proof as of JULY 14, 1970 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
HENDERSON RAVINE IN NEVADA COUNTY

tributary to WASHINGTON CREEK THENCE SOUTH YUBA RIVER

for the purpose of MUNICIPAL USE
under Permit 15278 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from MARCH 11, 1966 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed ONE-TENTH (0.1) CUBIC FOOT PER SECOND, TO BE DIVERTED
FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER
THIS LICENSE SHALL NOT EXCEED 48 ACRE-Feet PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 6° EAST 1,050 FEET FROM NW CORNER OF SECTION 18, T17N, R11E, MDB&M,
BEING WITHIN NW1/4 OF SW1/4 OF SAID SECTION 18.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

IN WASHINGTON TOWNSHIP INCLUDING S1/2 OF SE1/4 OF SECTION 1 AND NE1/4 AND E1/2 OF
NW1/4 OF SECTION 12, T17N, R10E; S1/2 OF SW1/4 OF SECTION 6; AND N1/2 OF NW1/4 OF
SECTION 7, T17N, R11E, MDB&M, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES
CONTROL BOARD.

DURING JULY AND AUGUST OF EACH YEAR, WATER DIVERTED UNDER THIS LICENSE SHALL
BE REPLACED BY THE REDUCTION OF AN EQUIVALENT AMOUNT FROM THAT NOW BEING DIVERTED
INTO THE CANYON CREEK CONDUIT WHICH PRESENTLY SERVES THE PLACE OF USE UNDER CLAIM
OF PRIOR RIGHTS.

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Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAR 31 1971

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

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JFW